

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

HOBART CORPORATION, *et al.*,

:

Plaintiffs,

v.

:

THE DAYTON POWER & LIGHT  
COMPANY, *et al.*,

:

Defendants.

Case No. 3:13-cv-115

JUDGE WALTER H. RICE

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DECISION AND ENTRY SUSTAINING PLAINTIFFS' MOTION TO DROP  
UNITED STATES DEFENDANTS WITHOUT PREJUDICE (DOC. #95)

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Plaintiffs filed suit against numerous defendants, including the United States of America, the United States Department of Defense and the United States Department of Energy, seeking to recover response costs under §§ 107 and 113 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA").

Plaintiffs have now filed a Motion to Drop the United States Defendants Without Prejudice, pursuant to Federal Rule of Civil Procedure 21. Doc. #95. Plaintiffs indicate that the United States does not oppose the dismissal without prejudice, and note that no other defendant has filed a cross-claim against any of the federal defendants. Moreover, as Plaintiffs note, this case is in the early stages of litigation, and no motions for summary judgment are pending.

The Court finds that, under the circumstances presented here, Plaintiffs' motion is well-taken. Accordingly, the Court SUSTAINS Plaintiffs' Motion to Drop United States Defendants Without Prejudice, Doc. #95.

Date: June 11, 2013



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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE